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ABSTRACT

This report documents the experiences of low-income, never-married fathers who have children receiving public assistance and who are required to establish paternity and pay child support. Seventy-one fathers were interviewed either in focus groups or individually. Each father was asked to describe his relationship with his children, his experience with the child support enforcement system, and if legal paternity had not been established, why he had avoided it. In addition, a case study was conducted of one such father who had voluntarily sought to establish paternity and secure support and visitation orders. Findings show that for low-income, never-married fathers, paternity establishment is the trap door for Child Support Enforcement. Most of the fathers interviewed did not fear paternity establishment; they feared being held responsible for more than they could afford. For this reason, the paternity establishment rate for families dependent on public assistance has stayed relatively low despite streamlined administrative procedures for establishing paternity. A number of programs and demonstration projects show that fathers establish paternity if they have some guarantee that they will be able to manage the entire process and the risks that can accompany it. (Contains 14 endnotes.) (SLD)

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FACE TO FACE WITH FATHERS

A Report on Low-Income Fathers and Their Experience with Child Support Enforcement

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Center on Fathers, Families, and Public Policy

Mission Statement

The Center on Fathers, Families, and Public Policy (CFFPP) is a training, technical assistance, and public education organization. Our mission is to help create a society in which parents, both mothers and fathers, can support their children emotionally, financially, and physically. To this end, CFFPP seeks to challenge the negative public perception of low-income fathers, who potentially have much to contribute to their children in the way of emotional and developmental support. Through the provision of technical assistance, policy research, and public education, CFFPP will work to place child welfare at the center of public attention.

Fundamental to this mission are the following guiding principles:

- Public policy must be child centered. In order to preserve the well-being of an individual child, policy makers must preserve the well-being of that child's parents.
- When the needs of the child and the needs of the parents conflict, those of the child must prevail.
- Public policy must call for government and other institutions to support existing healthy family structures.
- Public policy must actively and effectively promote the economic viability of families.
- Public policy must be created and executed in a manner that ensures that individual family members feel secure and are safe from physical harm.

FACE TO FACE WITH FATHERS

A Report on Low-Income Fathers and Their Experience with Child Support Enforcement

by Daniel O. Ash

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Preface

Everyone, from political commentators to social service practitioners, is now concerned with the role, or lack thereof, of fathers in families. However, an examination of the work of individuals making the pitch for the importance of fathers shows that there are two schools of thought driving this interest.

For some, the issue of father importance is grounded in scholarship that attempts to draw causal links between the absence of fathers from households and pressing social ills (i.e. juvenile delinquency, teen pregnancy, school drop-out, violence, drug use, etc.). Consequently, representatives in this group assert that reinstating fathers into these households is the first and most important step society can take to address these acute social issues.

Others, however, refute the notion that the mere presence of fathers will alleviate the aforementioned social problems, but maintain that public policy, in many ways, has stymied the efforts of many never-married fathers, especially those with low income, who want to be involved in the lives of their children. Moreover, this group believes that the issues confronted by many mother-headed households are the result of poverty, not family structure. The Center on Fathers, Families and Public Policy (CFFPP) is firmly within this group.

CFFPP's interest in the role of fathers in families is driven by our concern that public policy is actually a barrier for many young, never-married couples attempting to form a supportive network for their children. For these low-income parents, developing a support network for their children is dependent on their ability to access public resources; however, these resources are only maximized when one parent, usually the father, is absent. Consequently, the tenuous relationship that may exist for young, never-married couples is further strained, and their attempt to form a supportive network (one that effectively includes both mother and father) for their child(ren) is thwarted.

Face to Face represents CFFPP's attempt to document the experiences of low-income, never-married fathers who have children receiving public assistance, and are required to establish paternity and pay child support. To do this, CFFPP interviewed 71 fathers either in focus groups or individually. Each father was asked to describe his relationship with his children, his experience with the child support enforcement system, and, if legal paternity had not been established, why he had avoided it. In addition to the focus groups and individual interviews, CFFPP conducted a case study of one never-married father who *voluntarily* sought to establish paternity and secure support and visitation orders. It is CFFPP's goal that this report inform policy makers, practitioners and advocates who are seeking to develop more effective strategies on how to get low-income fathers to establish paternity and work within the formal child support system. Moreover, this report, given its qualitative nature, puts a face to the often abstract portrait of never-married fathers; a portrait that blurs their image with "deadbeats" (fathers who can but choose not to pay child support).

Thus, as both policy makers and practitioners begin the work of expanding programming to include these men, they will have a better understanding of

how these fathers view both the child support system and their responsibilities to their children. In short, this report is an attempt to deconstruct the stereotype that ***all*** never-married fathers deliberately avoid their responsibility to their children, and build on the notion that there are many fathers who wish to meet both their legal and natural responsibility to parent their child(ren).

The Other Fathers

Although *Face to Face* is focused on the public policy barriers that keep some fathers from fully participating in the lives of children, CFFPP is not unaware of the fact that many fathers voluntarily avoid both their financial and emotional responsibility for their children. We strongly endorse all enforcement efforts to make these fathers pay child support. Nonetheless, it is our hope that states, as they enhance their enforcement tools, will work to discern fathers who can but willingly choose not to pay from those who are unable to pay for reasons beyond their control.

Furthermore, CFFPP is aware that there are fathers who may wish to be involved with their child(ren) but pose a physical threat to the mother and/or their children. CFFPP does not support any public policies that force mothers to place themselves and/or their children in danger by mandating that paternity be established without proper protection from domestic violence. Moreover, although CFFPP encourages policy makers and community-based social service programs to respond to the needs of low-income fathers, we do not support any public policy which extends support to fathers while diminishing support available to low-income mothers.

The Public Policy Barriers

Throughout this report, there are many references to "public policies" that keep low-income, never-married fathers away from their children. In order to clarify the policies to which CFFPP refers, a few examples are offered here:

- With few exceptions, public assistance is not available to two-parent families (regardless of marital status). This forces many young, unmarried couples to make hard decisions regarding what's best for their child. Although their relationship may be healthy and intact, this policy constraint makes it necessary for one parent (usually the father) to leave the family. Based on the findings of this report, there are many cases where the father removes himself on paper, but still maintains an informal relationship with both the child and the child's mother. However, with time, this type of relationship often becomes strained, and the father loses substantive contact with his family. Thus, for many low-income, never-married couples, this policy is a barrier in their attempt to form a family structure that provides for their child(ren).

- Federal and state policy keeps fathers from having daily contact with their children if those children receive Aid to Families with Dependent Children (AFDC). A number of court decisions have upheld that two-parent families are ineligible for AFDC when the parents are not living together but each parent maintains daily contact with their children.[2] Many of the fathers interviewed for this report believe that the best way to ensure that their children remain eligible for AFDC is to minimize the contact they have with them and the mother. Although fathers expressed their desire to provide support so that their children did not need AFDC, they often noted that the least they could do was not interfere with their eligibility for welfare. The fathers would often express this sentiment using the following phrases: *I just stay out of the way; I don't want to mess with her welfare; It's the least I can do...I can't replace welfare.*

- One third (23) of the never-married fathers interviewed for this report had established paternity and had outstanding child support. In a little less than half (10) of these cases, the father still maintained a relationship with the mother (i.e., The couples were either dating, but living apart, or cohabitating). Existing public policy, which requires that child support arrears be assessed and collected from a low-income father even if he reunites with the family, makes the family more financially vulnerable. Thus, this type of public policy will force a father in this predicament either to maintain an informal relationship with the child, allowing the amount of back child support to grow, or to pay the arrears fully even though little will be left to support his children.

- Public policy that requires that a step-parent's income be counted as income available to step-children often prevents low-income custodial parents from marrying; thus, public policy tacitly denies children the opportunity of living within a two-parent household. In addition, although there is as yet no substantial research available to support the assertion, this policy may exacerbate the problem created by policies that fail to support both young men and young women who have child(ren) that they are unable to support without assistance. Research shows that few young, never-married couples with children eventually marry.[3] These same parents, as they enter new relationships, may forgo forming a two-parent household due to this prevailing policy.

The Structure of this Report

This publication is presented in two sections. The first is an essay, based on the focus group interviews, that describes the primary issues low-income, never-married families experience as they interface with the welfare and child support enforcement and systems. The second section, *Following the Rules*, is based on the experience of one low-income (but working), never-married father attempting to voluntarily establish paternity and secure child support and visitation orders.

As this report was constructed, CFFPP wanted to insure that it was accessible and useful to both practitioners and policy makers. The opportunity to record the stories of these fathers is much more than an academic exercise, it's a chance to highlight an issue that desperately requires the attention of policy makers and give voice to men who often go unheard.

Introduction

The faces of poor, unwed fathers tell similar stories. Some of their tales are just beginning: the stories of pain and confusion of young adolescent fathers who are vilified by parents, grandparents, and teachers for getting so-and-so pregnant. Others' stories have long moved past that rude introduction and on to a plot that seems forever depressing: fathers in their twenties and older, who are unable to support their children. These fathers hear many people say their children "should never have come into this world with such a weak daddy." The refrain, "I knew you would mess up—you're just like your father," rings constantly in their ears and shows on their faces.

This condemnation takes its toll. They come to expect judgment and lectures on responsibility. And from the government, they expect to be discouraged from involvement in their children's lives. Why do current policies have this effect? And how can policy be constructed and enforced in a way that encourages male involvement? The Center on Fathers, Families and Public Policy (CFFPP) decided to ask the people whose answers to these questions are rarely sought: poor, unwed fathers.

CFFPP interviewed 71 fathers either in focus groups or individually. The interviews took place in Chicago, Baltimore, and Los Angeles.[4] Ninety percent of the fathers were current participants in programs specifically targeted to low-income fathers. However, with the exception of one Chicago-based program, no program had procedures to address the child support issues confronted by the participating fathers.

CFFPP's goal was to explore from the ground up the impact of public policy on low-income, never-married, noncustodial fathers. The findings of the project are not startling: the fathers are poor and struggling, the mothers are poor and struggling, and the children are, despite the parents' need to claim otherwise, dependent on both mother and father. But because these findings are based on interviews, they provide an extremely rare opportunity to take the crucial first step in crafting effective, fair policies that encourage father involvement: an understanding of the real-life implications of many well-intended policies.

Baltimore, father, age 34:

"I never had a dad, a father. Yeah I had role models like uncles, my grandfather, but still your own father is supposed to be important. It's like with your own father you should have some sort of link. I never had that, but my kids, I want them to know me even though I'm not with them everyday"

Who Are These Fathers?

In 1994 more than 15 million children lived in poverty. Many of these children were born outside marriage and continue to live with only one parent, usually their mother.[5] In 1992, 46 percent of all mother-headed households had incomes below the poverty threshold.[6] Recently enacted federal welfare reform legislation is designed to push those single mothers who depend on Aid to Families with Dependent Children (AFDC) off the public dole and into the workforce.

A primary component of this legislation is to ensure that each child's legal father pays child support. For most children, the first step in collecting child support—establishing their paternity—is not a problem; more than half of all children receiving AFDC are marital births, and 25 percent of all children born outside marriage enter the system with paternity already established. However, states have been unable to collect child support for the rest of the AFDC population because paternity is not established. In any given year, of those children who receive AFDC and need paternity established, the state completes this task for only 18 percent of such cases.[7]

Furstenberg, Sherwood and Sullivan's report, *Caring and Paying: What Fathers and Mothers Say About Child Support* (1992), which was part of the Parents' Fair Share Demonstration Project (PFS), is a qualitative study that provides a crucial step to understanding how unmarried, disadvantaged fathers view both their financial and emotional responsibility to their children.[8] In *Caring and Paying*, low-income noncustodial fathers, irrespective of race, supported the notion that fathers should be providers as well as nurturers. However, through detailed interviews, the authors clearly document that, while sharing the aforementioned belief, these same fathers approach and deal with their paternal responsibilities in drastically different ways. Some, although erratically employed and discouraged by their family, the mother's (of their child) family, and peers, work hard to meet both their emotional and financial responsibility. Others, however, walk away from these responsibilities, and they see little hope of ever being what they consider a responsible father.

The fathers interviewed for *Face to Face* ranged in age from 17 to 36. Fifty-one of the fathers are African-American, 18 are Latino/Chicano, and two are white. Twenty-three had established paternity and had an existing child support order, while 48 had not established paternity. Of the 48 that had not established paternity, 35 reported that at some point there had been some agreement with the mother that she not report him to child support enforcement.

The fathers discussed here mirror the primary findings of Furstenberg's research and other literature on poor, never-married fathers. The existing body of research demonstrates that these fathers face many barriers to becoming providers to their children. Namely, these fathers have low incomes due to chronic unemployment and unstable work patterns which result primarily from low educational levels and racial discrimination in the labor market. Nonethe-

less, the qualitative literature that does exist clearly shows that poor, unmarried fathers have strong feelings about being more than just a financial provider for their children; they want to be role models, teaching their children values they deem important. However, most poor, unmarried fathers, especially younger fathers, know little about the child support enforcement system.

Specifically, these fathers fail to understand the process by which paternity is established and support orders are created and modified. In addition, although these fathers express an interest in visitation and custody issues, few understand how to broach these topics within the system.[9]

Individual work and education histories were not collected on the fathers interviewed by CFFPP. However, given the participation criteria of the programs they attended, no father had more than a high school education and most were either unemployed or underemployed. In talking about their inability to form stable relationships with their children, many fathers noted experiencing periods of homelessness and/or drug dependency. Moreover, those fathers who were employed at the time of the interview often attempted to explain at great length the difficult decisions they were forced to make because of their low income: "Do I or my child survive? I can't support both him and me."[10]

How Does Public Policy Discourage Father Involvement?

With little education and few marketable skills, the poor, never-married fathers that CFFPP interviewed operate on the margins, away from their families and their children. In some ways, the most tragic part is that many of the factors that drive these fathers to the margin are beyond their control. Here's why: current public policy that governs income and social support programs has systematically ignored the needs of low-income men who have fathered children outside of marriage. Moreover, it has created a situation in which poor, unmarried couples with children are better off if they don't live together as a family—or if they say they don't. Contrary to popular rhetoric, neither the father nor the mother in the overwhelming majority of these couples is morally capricious, deciding to have children one minute and then choosing to ignore their needs the next. Instead, these couples react rationally to public policy constraints by not marrying and not establishing legal paternity; they do what they have to do in order to maximize the resources available to them and their children.

She got pregnant, you see, and we was still in high school. We were a good couple, so I wasn't too pressed about it; I was 18, she was 17. I graduated from high school (I could've done better), but I couldn't find any work. We moved in together when she got on [AFDC], and I was working fast food. I didn't want her to lie, but we couldn't afford it otherwise, you know, rent and other stuff. I know it was wrong—her lying about it and all—but what was I supposed to do? She been good about it, she hasn't gave them nothing on me, and she's been on [AFDC] for four years

—Father, age 22, Baltimore, Maryland

How Do Families Cope?

There is a pattern that emerges from the ways in which some poor, unwed couples respond to the system. The mother, acting as the custodial parent, applies for AFDC and other support services on behalf of herself and the children. Upon doing so, the mother is expected to cooperate with the agency that administers the state's AFDC program by revealing the identity and whereabouts of the biological father so that the state can issue a child support order, collect payment from the father, and issue checks to the mother. When a child is born outside of marriage, legal paternity must be established before the state can issue a child support order. The presumed father must be legally confirmed as the father either through genetic testing or by the mutual consent of the mother and father. For most parents who need AFDC support long term, paternity is never established; the parents fear that the father will not be able to keep up payments, or, like the father quoted above, wish to avoid the illusion that the government, not the father, is paying child support. Another important reason that paternity is not established is that many parents believe that AFDC benefits

will automatically be denied if the parents live together or marry. So in some cases, by keeping the father's identity a secret, couples prevent the state from finding out that they live together and withdrawing benefits.

Many of the fathers (35) interviewed for the study, report that they do all they can, often with the help of the mother, to avoid ever establishing paternity. In exchange for the mother's cooperation, these fathers report providing financial support directly to the mother or agreeing to buy necessary items for the child during the times they are employed. Moreover, the 23 fathers who had established paternity reported that the mothers often assist them in avoiding the long arm of the child support enforcement office. Again, these fathers noted that, in exchange for the mother's cooperation, they provide some financial support, albeit inconsistent, to the mother. These fathers stressed that they were not deadbeat dads; they avoid establishing paternity either because they cannot pay, or conversely, because their families are better off when they provide support outside of the formal child support system.[1] One Baltimore father, age 24, attempted to differentiate between himself from deadbeat dads: "I'm not ashamed of my situation. If I had plenty of money, I'd never let my kids and their mothers have to struggle. But, you see, deadbeat dads just don't care one way or the other."

The net result of this collusion among low-income mothers and fathers is tragic. The couple's rational attempt to stabilize the fathers' role and maximize resources in many cases subjects the mother to the possibility of welfare fraud charges and losing all benefits. And the father, in many cases, lives in emotional exile from his family, because his presence would bring them financial hardship. However, the same fathers who report having, at some point, a collusive relationship with the mother, also note that it is abated once there is a breakdown in their relationship with the mother. At that point, they report having, over time, less and less to do with both the mother and the child even though they still desire a relationship with the child.

Nonetheless, both established and nonestablished fathers had little concern that the mother would actively assist child support enforcement officials in tracking them down. For example, one Los Angeles father, age 27, expressed this belief in the following manner: "She's got to do what's best for her. She could assist them, but it wouldn't make it any better for her and the kid. Plus, she really don't want me around anymore. So why help welfare track me down?"

Can't nobody tell me I don't do for my kid. Now, I know I don't pay [through the government]–why should I? But I do for him. You see, I want my boy to know that I paid for his shoes, his clothes–not the state of California.

–Father, age 28, Los Angeles, California

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The Need for a New Paradigm

Many people, including welfare advocates, view noncustodial fathers such as the one quoted below as opportunists; they say these fathers stay with the family at first, benefiting from the support that the mother receives on behalf of the children, but will eventually move on and ignore their financial and emotional responsibility to the mother and the children. On the other hand, a growing body of researchers, policy advocates, and social service practitioners see the father as the abandoned subject. In their view, the father, unable to qualify for public assistance of any kind, falls victim to a system that conspires to keep him disenfranchised from his family and the mainstream economy.

Although there are research findings that support each of these views, a third option must be considered if policy related to poor, unwed fathers is to become family-supportive.[12] In order to reach this middle ground, everyone concerned about survival of low-income, fragile families must first reconsider the assumptions that they make about both parents, especially the father.

More specifically, we must acknowledge that although many fathers fail to establish paternity and thus never pay formal child support, and often have tenuous relationships with their children, they, like all parents, do in fact want to be a positive force in their children's lives.[13]

The goal of all social policies must be to support parents, irrespective of marital status, so that they can raise healthy children. Yet many concerned individuals who claim to be acting in the best interests of the child continue to propose policy with only two dimensions: support for one parent and enforcement measures for the other. Policy makers must recognize the need for policies that support custodial and noncustodial parents, providing enforcement when it is necessary, but guided by a desire for the well-being of the family. For all low-income families, reaching this common ground is critical.

I don't pay no child support order, but we sort of got it worked out. If she needs something, she calls me and lets me know and I try to raise it. I watch my girl when her mother has to do something. I even get my mom to help out, if I can't do it. But if I paid support to the court, I sure wouldn't be able to give her stuff like I do now, and I know her, she wouldn't let me be around like I am now.

–Father, age 27, Chicago, Illinois

Solutions: A Policy Option

In order for child support agencies to be truly effective for low-income families, they must be more creative in their attempts to reach low-income men. As previously noted, the never-married father has no legal responsibility for his children until paternity is established.

And to low-income, never-married fathers, paternity establishment is the trap door for Child Support Enforcement (CSE). Therefore the paternity establishment rate for AFDC-dependent families has stayed relatively low, despite the advent of streamlined administrative procedures for paternity establishment, such as establishing paternity in the hospital upon the child's birth.

This reality has frustrated policy makers who view child support enforcement as a vital link to other antipoverty strategies. Consequently, recent welfare reform (i.e., The Personal Responsibility and Work Opportunities Reconciliation Act of 1996) calls for a custodial mother to face stiffer sanctions if she is deemed uncooperative because she refuses to help identify and locate the biological father. In addition, this new welfare law will put more pressure on state child support enforcement agencies by setting mandatory paternity establishment rates; each state has to increase their paternity establishment rates every year until they reach 90 percent. Unfortunately, many policy makers feel that punitive measures are the only way to increase paternity establishment rates for AFDC families. They're wrong.

Most of the fathers who participated in the CFFPP interviews said that paternity establishment is not something they fear. What they do fear is life after paternity establishment: "What if I can't pay anymore?" wondered one father. "What if I can't afford the order they give me? I heard about a guy who, after they took out his [child] support, only took home $75 a week. That is not going to happen to me, no way."

A number of local programs and demonstration projects have shown that fathers establish paternity if they have some guarantee that they will be able to manage the entire process and the risks that can accompany it.[14] All of the fathers interviewed by CFFPP indicated that enhanced paternity establishment—a guarantee that when they establish paternity they will have access to education and training opportunities, job placement assistance, parenting classes, and assistance in dealing with child support enforcement officials—would turn them around on the issue of paternity establishment. An important part of family-supportive child support enforcement is providing advocates to assist fathers through difficulties. Although most fathers indicated that securing stable employment was their main priority, more than 75 percent said they would es-

The mother, she's been having problems, so I've had the girl for about six months now. And I went down to social services, with my baby girl–so they could really see that I had her–and said, "Look I have her, can I get on aid?" They said no. I don't care. I don't need them.

–Father, age 22, Baltimore, Maryland

tablish paternity and pay child support if they had someone representing them during the process, someone they could ask questions without fearing negative repercussions for themselves and their families. Consequently, CFFPP believes that child support enforcement agencies must strategically collaborate with select community-based programs that serve low-income, never-married fathers. By putting the responsibility of paternity establishment in the hands of community-based practitioners, CSE officials take a progressive step to eliminating one of the barriers that exist for low-income fathers: lack of trust.

Of course, much more than paternity establishment, enhanced or otherwise, is needed to truly meet the needs of low-income fathers and their families. If future public policy initiatives are to be constructive and sustaining for all families, a new paradigm must emerge in which each member of the family is seen as an individual, yet as crucial to the viability of the whole.

Moreover, we must begin to challenge our assumptions about low-income, noncustodial fathers, and to move beyond our biases regarding what they can or should contribute to the family. The first step to accomplishing this task is for each of us to disassociate the monolithic, grotesque image of the "deadbeat dad" from the many fathers who have little to no choice concerning their reality, their story.

Following The Rules: A Case Study

Two years. That is how long it had been since William had seen his son. To even the casual observer, the question would be: What could keep a self-described "devoted" father away from his son for that long? The answer to this question may be even more complicated than William's journey to secure the right to see his child. In a time when most unmarried fathers are vilified for not being there, allowing their children to grow up fatherless, William decided that he would not reinforce that stereotype; he would not leave his son to forever wonder whatever happened to his father.

William began his journey by calling every organization he thought might help fathers who, for whatever reason, want to see their children but cannot. He called the state's welfare office, then the community-based social service program he walked by everyday, then every legal aid agency, then the department of child support enforcement, and then every organization listed in the phone book that had the words "family" or "father" in its name. Nothing. Everyone, recalled William, gave him yet another number that eventually led to another dead-end. That is, until he called the Family Resource Coalition. At that point, frustrated and not expecting to find anyone who could help, William was more than surprised to hear from the receptionist that indeed there was someone who might be interested in his situation.

"I haven't seen my son in two years. I was wondering if you might be able to help me in some way." This was William's request. His voice was clear; there was no hesitation. He knew what he wanted, he just didn't know how to get it.

My first question to William was simple: Were you ever married to the mother of the child? William's response: *No*. My second question: Is the mother receiving public assistance for this child? William's response: *Yes*.

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The data on which this report is based was collected in two methods. First, CFFPP conducted both individual and focus group interviews with low income, never-married fathers. Second, CFFPP aimed to document the experiences of low-income fathers attempting to establish paternity and secure a child support and visitation order. Meeting the first task was easy; we found many fathers more than willing to talk about their experiences with the child support enforcement system or, more frequently, their reasons for avoiding it. However, when fathers were asked if they would like to initiate the process of establishing paternity, most were apprehensive unless they were guaranteed legal representation. Unfortunately, CFFPP was unable to make such a promise, thus making it difficult to get the type of qualitative information initially intended. Therefore, William's call was indeed fortunate, but also revealing, given his inability to secure any help from agencies, public and private, that work with low-income families.

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The first interview with William took no more than ten minutes:

Have you established paternity?

No.

Do you know what it means to establish paternity?

I think. Isn't it when you go to court and have to pay child support? I've done that for my other kid.

Where is the mother?

I'm not sure. Last I heard she had moved farther south (in Chicago).

How old is the son?

Seven.

Why haven't you seen him?

The mother won't let me. Ever since we broke up, she's been mad that we're not together so she won't let me see him.

So you haven't seen him since he was five years old?

Yeah.

I told William about the project CFFPP was conducting and he seemed interested, but mainly he wanted to know if he would get some "real" help and if it would cost him anything. He had already told me about the lawyers who always said they could help, but wanted a $500 or more retainer. Once I said he wouldn't have to pay CFFPP anything, he agreed to meet me.

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The Woodlawn community is one of the poorest in the city of Chicago. Once known for the numerous nightclubs that sat along 63rd street, under the elevated train tracks from Cottage Grove to Stoney Island Boulevard, Woodlawn is now a random landscape of vacant lots, abandoned building, unkempt housing and corner liquor stores. There are still people living in this neighborhood, however. One of those people is William.

In the midst of Chicago's most deadly heatwave, I made my way to William's apartment building. The intense heat had silenced the neighborhood that day. There were no children playing, the street corners were empty, and the only faces to be found rested in the shadows of trees, at the back of porches. At William's address there was no porch and there was no doorbell. Looking up, I saw that everyone had their windows up and curtains drawn, trying to create their own shade, so I decided to call out his name until I got a response. It didn't take long. One call, and William stuck his head out his window, grimacing at the heat, and said he would be right down.

William's apartment was amazingly silent and hot. He offered me a drink and introduced me to his nephew, who looked as if he would succumb to the elements at any minute. Getting down to business, I explained to William why CFFPP existed and how I might be able to help him. William's response, again, was simple: "I don't have money for a lawyer and if all I have to do is allow you to record what happens to me, that sounds fine to me."

Once this was settled, I asked William to describe his relationship with the mother of his son. William hesitated, stared a blank stare, then smiled. "Well,

what do you want to know?" he asked. Not giving me a chance to respond, he volunteered: "We broke up a few years ago—around the time she stopped letting me see our son. I had started seeing someone else, and I had a baby with her. Debra (not her real name) got really mad, because we weren't together no more." After revealing this information, William smiled nervously. He didn't know how this information affected his image as the desperate father wanting, but unable to see his son. I let him know that although it appears she had a right to be upset at him, this information, alone, cannot prevent him from parenting his son.

William became more comfortable, and admitted that he was wrong for having another relationship and another child while he was still living with the mother of his son. This guilt, he said, kept him from taking any formal action against the mother: "She had a right to be mad, but she can't hold it against me forever." With a touch of machismo, William added, "she's using him—she thinks that one day I'll go back to her since she has our son."

Not wanting to give William a platform to pit himself against the mother, I changed the subject, and asked him to discuss the beginning of their relationship: How did you meet? Where did you live? Did you ever think about marriage? William appeared to be surprised by these questions. "What do you mean?" he asked.

"Where did you meet her?" I asked again.

"I was walking from Jewel's (a Chicago grocery store) on 35th and Giles, and at the Popeye's Chicken, I see Debra and a friend of hers. I noticed that they were talking about me, so I went over and asked for her phone number," responded William, who stared into space, as if searching for those details which would make me understand something about himself that he just couldn't explain.

"So you began dating. Describe your relationship at that time," I asked, attempting to probe a little further.

"Everything was pretty good, especially the first two years. We were together three years, officially, but the final year is when things went bad. We were living together off-and-on when [our son] was first born. I was working at Wendy's and she was receiving public aid. But as [our son] got older, our relationship got worse.

"When we finally broke up, I would give her money orders to buy some of the things he needed like pants, Similac, coats, and other things. I didn't give money directly to her, because her family was messing with her money."

"Did you ever worry about paying child support?" I asked.

William answered: "No. I knew she hadn't gave my name to public aid. And as long as I gave her money orders for certain things when she needed it, I don't think she would've reported me. I haven't given her any money for two years, but she hasn't done anything because [my son] is covered on my health insurance. I get a bill every time she takes him to the doctor."

When I left William's apartment that day, I was both excited and unsure about the chance to work with William. I was excited because there was an opportunity to help this father access his child and, in doing so, I could better understand the circumstances of low-income, never-married fathers. However, I was also unsure because I didn't want to appear to be an advocate for William only. I was not there to promote William at the expense of the mother, who, as far as I could gather, appeared to be doing an excellent job parenting their child. I constantly reminded myself of the goal: create an environment where both mother and father could share in the parenting of their child. Nonetheless, as I began to document William's journey through the system, I quickly realized that most of the individuals involved in this case, including both Debra and William, assumed there were two sides, and only one could be the winner. Of course, when asked about the child, everyone from the receptionist at family court to the administrator at public aid would declare that the best interest of the child was most important, but their actions and attitudes proved otherwise.

The Phone Calls

Research and real life do not mix easily. I assumed that assisting William would be a simple task, even though I had heard the horror stories from many poor fathers who had attempted to establish paternity and manage child support by themselves. William wasn't by himself; I was there. The process would not only be much easier, I would be able to prove that with the right information (for that's all I had) any father could and would be responsible and do what everyone says he should: establish paternity, pay child support, and be a good father to his child(ren).

The First Call: I called the number listed on the Illinois Department of Public Aid's (IDPA) brochure *Establishing Parentage*. I explained William's situation and asked for assistance. The response: "We can only help if the mother has requested that paternity be established. She hasn't, so he has to get a lawyer and go to court." I didn't give up easily. I explained to the person on the line that the child in question was on public aid and that the father couldn't afford a lawyer. The response: "Well, I'm sorry, the only way he can do it [establish paternity] is by going to court, and he needs a lawyer to do that."

The Second Call: There was another number listed on an informational flyer put out by the Cook County Child Support Division. Under the tag-line "Every child deserves a childhood free of the hardships associated with poverty," a quote from the state's attorney, the number promised assistance for most of the things William needed to do to establish paternity and provide child support. After nine rings and going through the automated answering system, I reached a *real* person. I repeated William's concerns and needs. The response: "Child support is for mothers. You have to go to court."

The Third Call: Frustrated, I sought assistance from the Paternal Involvement Program (PIP), a Chicago program that works with low-income, noncustodial fathers. Wayne Salter, the program's director and a lawyer, suggested I contact the IDPA's Noncustodial Parents Unit, a unit designed to work with unemployed, low-income parents. In addition, he explained that William might have to represent himself in court (a process formally known as *pro se*) and file the appropriate motions requiring the mother to appear in court.

The Fourth Call: The representative I spoke with at the IDPA's Noncustodial Parents Unit (NPU) was more than enthusiastic about William's case: "Our program is new and it was created especially for fathers like [William]. He can come here and fill out the parentage (paternity) forms and we can help him search for a job if he needs that."

Encouraged by this discovery, both William and I assumed that everything would be easy from this point on. We arranged to meet early on William's next day off from work. As we walked to the NPU, William talked about his other children. Like most parents, he talked about the struggle to get the youngest child to daycare in the mornings and the struggle to pick the child up on time in the evenings. He talked about the fun his family had that past weekend at a family picnic, but he knew something, someone was missing: "I only wish my son could be a part of it too, I want him to know his other kin," said William.

Once we arrived at the Noncustodial Parents Unit, William received much attention. He told his story to any one who would listen: "I don't want to be like other fathers who don't want to do nothing for their kids. You see, I want to see my son, but the mother—she's just mad that there's nothing going on between us so she just using [my son]. But don't nobody want to help me because they just think all fathers are no good, they only think about what the mother wants."

Even the director of NPU took a moment to stop and greet William, explaining that his department was new, but it could help him do all the things he wanted, namely establish paternity.

It took no more than twenty minutes for William to fill out the forms. The person that assisted William said he should get information back in four to six weeks. Both William and I left. William wanted to celebrate.

The Waiting Game

The sixth week of waiting came and went. William decided to call the person who had assisted him and see what was wrong. He reported, "I was told that sometimes it takes longer than what they say because they send it to Springfield [the Illinois state capitol] and it's processed down there. She said to wait a few more weeks and to call if nothing happens." I could tell by William's voice that waiting was not an option. So I let him know that we could go directly to court, file the appropriate motions, and request that the mother come to court. Again, I explained that he would be representing himself and, immediately after establishing paternity, he would be responsible for meeting the terms of a legal

child support order. William's response was pragmatic: "Well if I wait, I may be waiting forever and I already pay child support for one of my other kids, so that's not a problem."

A Day in Court

It is this first day in court that most symbolizes the inadequacies of public policy and the legal system regarding unmarried couples with children. The mother, Debra (not her real name), did show up, but she came with a private lawyer even though she was not working at the time and receiving welfare.

The court, as can be expected, was packed with mothers and fathers and children, waiting their turn to determine child support, visitation, and custody orders. The fathers sat by themselves while the mothers sat with children. No one was talking about their case or working out an agreement. Everyone just waited to stand before a judge and argue their case. With few exceptions, none of the fathers had lawyers with them and most of the mothers waited to be called by the state's attorney.

Once families were called, they would stand before the judge and listen while the state's attorney set the facts before the court. In turn, the judge would ask questions to the mother: *Are you working? Are you looking for work? How old is the child? Do you have any other children? How old are you?* The mothers would respond, almost inaudibly, looking down or looking at the state's attorney. The judge would then question the father: *Are you working? Are you looking for a job? How many other children do you have? Don't you know you are responsible for this child? Do you spend time with the child?* The fathers would quietly respond.

In many cases, either the mother or the father would say something that would inflame the other parent: *He came to my house and threatened me; She is never home when I come to visit; I don't want to give her nothing because she uses drugs; I want custody of the child if she's going to be on welfare; I can't afford to pay that much; Judge, he just bought a car.* At these moments, both parties would begin to talk simultaneously, trying to get their version of the story heard. The judge would order them to be quiet, give one or both a lecture about responsibility, their rights, and parenthood, and then make a decision. The state's attorney would make a note, close the case file, and proceed to the next case. And the couples, mothers and fathers, would leave under the watchful eye of security.

I would listen to these cases and once the parties left the courtroom, I would stop them to ask if they knew and understood what had just happened. In some cases both parties understood that a child support order had been set or that they were to attend a parenting class, but frequently both the mother and the father knew only when they were to appear again in court for, according to one father, "nothing."

Before William and Debra were called before the judge, William was approached by Debra's private attorney, who requested a meeting in the hallway.

Outside the court, the attorney asked William if he had his payroll receipts. William responded abruptly, "I don't have them and if I did I would only show them to the judge anyway." The attorney reacted equally strongly and let him know that Debra was going to let him establish paternity but that he was going to have to pay child support before she would let him see the child. William walked back into the courtroom, sat down, and waited.

Three hours later, the judge called their case. William and Debra, with the state's attorney and the private attorney standing between them, approached the bench. Immediately, the private attorney began speaking: "Your Honor, my client is petitioning for child support from [William]. He has never paid support before and their son is..."

The judge interrupted. "Wait one second. Before we talk about anything else, it seems that [William] is the reason we are here" (she read from William's petition). The judge then asked William if he is the father of the child. Next Debra was asked if William is the father of the child. They both agreed. The judge finalized the issue of paternity.

The private attorney then noted that she was going to be substitute council for Debra; the state's attorney closed her file, sat down, and started preparing for the next case. Debra's attorney then submitted a petition for child support and, again, noted that William had never provided support for the child. The judge asked William if he was working and if he had his payroll receipts with him. William said he didn't have any of that information with him and that he also wanted the court to make the mother allow him to see the child. The judge then asked William a series of questions: *Where do you work? How much do you make an hour? How many hours do you work a week? Do you have other children? Do they live with you? Do you pay child support for any of these children?* Once the judge heard the answers to these questions, she began calculating a child support order for William as Debra's attorney protested to no avail.

The judge came up with a figure and asked Debra's attorney if that was agreeable. The attorney declined the figure so the judge instructed William, Debra, and her attorney to enter a conference room and see if they could come to some agreement.

In the conference room, the attorney sat directly across from William and immediately began asking for information regarding his income. William refused to discuss this; he wanted to talk about visitation. The attorney refused. Debra, whose brother worked at the same place as William, stated that she knew his hourly wage. William let the attorney know that she was wrong. The attorney called William a liar. William said that he would talk only to the judge, and then stood up and left the room.

Two hours later, before the judge, both William and Debra confessed that no agreement had been reached. The judge refused to hear any more and informed both parties that their case was being referred across the hall to another judge.

Out of the Sky

It was 4:30 p.m. William, Debra, and her attorney had been in court since 8:30 in the morning. William's mood had declined from one of optimism to pure anger. Debra, too, had become angry, noting that she needed to pick up their son and that she'd missed other appointments. In this new courtroom, the case was called, the judge noting that it would be the final one for the day and that everyone waiting should see the clerk.

The judge reviewed the file before him. He noted that paternity had been established and that now there was the question of child support. He asked William if he had his payroll receipts. Again, William said that he didn't. The judge asked him the same questions that the other judge had asked about his place of employment, wages, etc. He then asked William how much he would like to pay. William responded: "I pay $50 dollars each pay period for my daughter—$100 a month. I would like to pay the same for my son." The judge paused for a moment and then asked the attorney if that was acceptable. She said that it was not and that she believed that William made significantly more money than he had indicated. The judge then asked William why he didn't have his payroll receipts. William responded: "I forgot to bring them, but I wasn't expecting to deal with [child support] today." The judge then admonished William that since he had established paternity, he was now responsible for child support and that he was leaving him no other choice but to "pull a number out of the sky."

Next, the judge broached the issue of visitation. He asked Debra if there was any reason that William should not be able to see the child. Debra said, "Sir, I'm worried since he has a temper and he pulled a gun on me in front of the child." The judge had to warn William to be quiet or be removed by security. Once calm was restored, the judge ordered that no visitation be granted until both parents attended mediation services and a court-sponsored parenting class and he had received a report on their progress. In addition, he ordered William to begin paying child support in the amount of $250 per month. William stood there, not knowing what to do. Debra's attorney thanked the judge and began preparing a form that would expedite wage garnishment.

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Both Debra and William left court that day extremely unhappy. They had spent an entire day standing in a courtroom filled with strangers, telling their two versions of one story. No one, including the officers of the court, heard a thing. Without a doubt, paternity had been established for the child and a child support order had been set, but the answer to the question of how these two adults would share the parenting duties for their child was notably absent. Moreover, Debra and William's experience that day made the possibility for a reconciliation for the sake of the child much more unlikely.

William's most immediate concern now was to modify the child support order. Although accomplishing this task was not easy, the order was eventually modified once the state's attorney office realized that this case was, in fact,

under its purview, given that the child in question was receiving public assistance. William gathered all of the pertinent income information, appeared in court, and received an appropriate order. Again, however, William believed that if he had not been part of the CFFPP project, this might not have happened:

> *"Really, I wouldn't have known how to present my [information] in court. Most times, I get upset when the people in court always assume you're hiding something. But I just stayed calm, answered their questions and gave them what they wanted. They won't have any reason now for not letting me see my son."*

During the time that elapsed between the first day in court and the day the support order was modified, Debra and William had attended, separately, a parenting class and completed individual sessions with a court-appointed mediator, but they had yet to attend the joint meetings needed to establish a visitation plan. When they appeared in court a third time to settle the visitation issue, the judge gave them one month to fulfill the order; if they did not comply, William was instructed that he would forfeit his right to visitation.

This meeting did occur and a visitation order was set, but follow-up interviews with William reveal that he was dissatisfied with the process. Both he and Debra had complaints about the mediation counselor assigned to their case. In William's words, "She never did listen to me. I would try to explain what had happened when I got into it with [Debra's brother] and pulled the gun out. I let her know that I knew it was wrong even though [the child] never saw it, but she would just say I have a violent streak and that is reason enough for her to recommend supervised visitation. I don't need to be supervised while I have my kids know what's right and wrong."

Conclusion

Ten months after his initial call to my office, William began seeing his son on a regular basis. In addition, his wages are now garnished $125 each pay period to comply with two separate child support orders. As far as one can tell, both Debra and William and the state are satisfied with this outcome. However, in documenting this case, CFFPP has highlighted the hazards that prevent many low-income, never-married fathers from even attempting to negotiate the child support enforcement system.

First, most low-income fathers, unlike William, do not have stable employment, even low-wage employment. In many ways, William was not fearful of receiving a child support order, because he was confident that he would retain his job for quite some time; he feared only that his order would be inappropriately high. Those fathers with inconsistent employment patterns (as illustrated in the focus group and individual interviews) feel that they will, nonetheless,

receive an order based on an income they do not earn. Thus, as one father noted, "they would be setting a trap for themselves, and they'd never recover."

Second, although most fathers share William's desire to have a relationship with their children, they overwhelmingly agree that obtaining visitation rights is predicated on the payment of child support. For fathers who, unlike William, maintain some sort of working relationship with the mother, "going through the process" will only create problems. For example, one 29-year-old father noted: "Right now I can see the kid just about anytime. I give the mother money for clothes and shoes and other stuff, so we get along okay. But I think going to court would mess everything up. I can't be required to pay no $50 and $70 dollars a month; what if you don't have it? And if I pay it, what do I give to her? Then I know she might change. It would be worse."

Third, every experience like Debra and William's is told over and over again in the community. When William received that initial order of $250 per month (in addition to his existing order of $100 per month for another child), he told his story to anyone that would listen: co-workers, neighbors, friends. And these are the stories retold by the fathers who participated in focus groups, their reason to not even bother.

End Notes

[1] The Personal Responsibility and Work Opportunities Reconciliation Act of 1996 ended the entitlement program Aid to Families with Dependent Children (AFDC). The primary cash assistance program for poor families is now administered in the form of block grants to each state; this program is called Temporary Assistance for Needy Families (TANF). In this report, for clarity, we refer to the former AFDC program, given that the fathers interviewed were referring to this program.

[2] 45 CFR Section 233.90(c)(iii)(1995). See, e.g., *Hall v. Iowa Dept. of Human Services*, 455 N.W. 2d 278 (Iowa Ct. App. 1990)(custodial mother and child denied AFDC because father lived a few blocks away, made repairs on their residence, and spent time with daughter); *Hughes v. Adult and Family Services Div.*, 648 P2d 1324 (or Ct. App. 1982)(daily visitation by fathers defeats families eligibility for AFDC).

[3] Lerman, R. I., *Unwed Fathers: Who are they?* (1993) The American Enterprise 4(5):27-31, 36-37.

[4] In Chicago, CFFPP conducted three individual interviews; in Baltimore, four focus groups and four individual interviews; in Los Angeles, four focus groups and one individual interview.

[5] According to data reported by Child Trends, Inc. (January, 1996), in 1993 72 percent births to mothers under age 20 were nonmarital; for mothers age 20-24, the figure was 42 percent.

In *The Incomes of Noncustodial Fathers: What We Do and Do Not Know* (CLASP, 1994), Finkel and Roberts report that the poverty rate for single-parent families headed by a mother is 46 percent.

[6] U.S. House of Representatives, Committee on Ways and Means, *The 1994 Green Book: Overview of Entitlement Programs*.

[7] There has been some effort to increase this figure. Namely, each state is required to implement in-hospital based paternity programs. These programs are designed to encourage unmarried parents to establish paternity at the time of birth. Although some states have had some success in increasing the overall paternity establishment rate, they have failed to make significant progress with the never-married, AFDC population. One important study evaluating in-hospital based programs was completed by the Center for Policy Research: *The Child Support Improvement Project: Paternity Establishment* (1995).

[8] F. Furstenberg, K. Sherwood, M. Sullivan. *Caring and Paying: What Fathers and Mother Say About Child Support*, (New York: Manpower Demonstration Corporation, 1992)

Parents' Fair Share (PFS) is a multi-site and -state demonstration project targeted at noncustodial parents of children receiving AFDC. The project has three primary goals: 1) to reduce poverty among children receiving public assistance by encouraging and requiring noncustodial parents to establish paternity; 2) to increase the employment and earnings of noncustodial parents who are unemployed and unable to adequately support their children; and 3) to assist these parents in providing other forms of support to their children. The participants in PFS are referred to the program by court order.

[9] see Furstenberg et al.

[10] J. Finkel and P. Roberts, *The Income of Noncustodial Fathers: What We Do and Do Not Know*. (Washington, D.C.: Center for Law and Social Policy, 1994).

The Center for Law and Social Policy, in 1994, conducted a review of various data sets, attempting to document the income capacity of noncustodial fathers. However, most of

these data sets had multiple limitations (e.g., relied on self-reported data, a small sample size, or included only divorced parents) and are thus inconclusive, especially in regard to poor, never-married fathers.

Finkel and Roberts reviewed the following data sets: Current Population Survey (CPS), CPS-Child Support and Alimony Supplement, National Longitudinal Surveys of Labor Market Experience, National Longitudinal Survey of Youth (NLSY), National Longitudinal Study of the High School Class of 1972, Panel Study of Income Dynamics (PSID), Survey of Income and Program Participation (SIPP), SIPP-Child Support Topical Module.

[11] K. Edin, *Single Mothers and Absent Fathers: The Possibilities and Limits of Child Support Policy*, (New Brunswick, N.J.: Rutgers University, Center for Urban Policy Research, 1994).

This finding is consistent with the data presented in Ms. Edin's study. However, similar to Ms. Edin's study, this report is based on a small sample size. Nonetheless, these findings clearly warrant additional attention from both academic researchers and policy makers. Moreover, I would not suggest that this finding that some mothers and fathers collude at some point to avoid child support enforcement be the justification for making paternity establishment and complete cooperation with child support enforcement a condition for welfare eligibility.

[12] Elaine Sorenson, *Noncustodial Fathers: Can they afford to pay more child support?* (Washington, D.C.: The Urban Institute, 1994).

Nichols-Casebolt and Klawitter, Child Support Enforcement Reform: *Can it reduce the welfare dependency of families on never-married mothers?* (Madison, Wis.: Institute for Research on Poverty, Discussion Paper #895-89, 1989).

[13] see Furstenberg et al.

[14] The most comprehensive listing of "model" programs that address paternity establishment and child support is in J. Levine and E. Pitt, *New Expectations: Community Strategies for Responsible Fatherhood* (New York: Families and Work Institute, 1995).